

To: ~~August 1980~~

1-D 000 802702

TO	MAIL CODE	LOCATION	FROM
	5RA	JCK-14	OFFICE OF REGIONAL ADMINISTRATOR
	5GL	536-9	OFFICE OF GREAT LAKES NATIONAL PROGRAMS
	5PA	JCK-14	OFFICE OF PUBLIC AFFAIRS
	5PL	JCK-16	REGION V LIBRARY
	5C	JCK-16	OFFICE OF REGIONAL COUNSEL
	5CS	JCK-16	SOLID WASTE & EMERGENCY RESPONSE BRANCH
	5CA	JCK-16	AIR/WATER/TOXICS/GENERAL LAW BRANCH

	5A	JCK-26	AIR MANAGEMENT DIVISION
	5AC	JCK-26	AIR COMPLIANCE BRANCH
	5AR	JCK-26	AIR & RADIATION BRANCH

	5S	536-10	ENVIRONMENTAL SERVICES DIVISION
	5SCDD	536-7	CENTRAL DISTRICT OFFICE
	5SCRL	536-10	CENTRAL REGIONAL LABORATORY
	5SEM	536-10	ENVIRONMENTAL MONITORING BRANCH
	5SPT	536-7	PESTICIDES & TOXIC SUBSTANCES BRANCH
	5SOA	536-10	QUALITY ASSURANCE OFFICE
	5SEF	OHIO	EASTERN FIELD OFFICE - WESTLAKE, OH

	5M	JCK-14	PLANNING & MANAGEMENT DIVISION
	5MA	JCK-14	PLANNING & BUDGETING BRANCH
	5ME	JCK-14	ENVIRONMENTAL REVIEW BRANCH
	5MF	JCK-14	GRANTS & FINANCIAL MANAGEMENT BRANCH
	5MFA	JCK-14	FINANCIAL ANALYSIS SECTION
	5MFG	JCK-14	GRANTS MANAGEMENT SECTION
	5MP	JCK-14	PERSONNEL BRANCH
	5MS	JCK-12	MANAGEMENT SERVICES BRANCH
	5MSC	JCK-14	CONTRACTS & PROCUREMENT SECTION
	5MSA	JCK-12	ADMINISTRATIVE MANAGEMENT SECTION
	5MSG	JCK-11	GRAPHIC ARTS UNIT
	5MSO	JCK-14	OFFICE SERVICES UNIT
	5MSD	JCK-11	DATA MANAGEMENT SECTION

	5H	JCK-12	WASTE MANAGEMENT DIVISION
	5HE	JCK-12	HAZARDOUS WASTE ENFORCEMENT BRANCH
	5HR	JCK-11	EMERGENCY & REMEDIAL RESPONSE BRANCH
	5HS	JCK-13	SOLID WASTE BRANCH
	5HGT	MICH.	EMERGENCY RESPONSE SECTION GROSSE ILE

	5W	TUB-8	WATER DIVISION
	5WG	TUB-8	OFFICE OF GROUND WATER PROTECTION
	5WD	TUB-9	SAFE DRINKING WATER BRANCH
	5WF	TUB-9	MUNICIPAL FACILITIES BRANCH
	5WFP	TUB-9	ENVIRONMENTAL PLANNING SECTION
	5WF1	TUB-9	ENVIRONMENTAL IMPACT UNIT
	5WFT	TUB-8	TECHNICAL SUPPORT SECTION
	5WQC	TUB-8	WATER QUALITY BRANCH
	5WQD	TUB-8	DREDGE & FILL SECTION
	5WQP	TUB-8	PERMITS SECTION
	5WFH	TUB-9	STATE PROGRAM MANAGEMENT SECTION
	5WQS	TUB-8	PLANNING & STANDARDS SECTION

	5CCI	JCK-4	OFFICE OF CRIMINAL INVESTIGATION
	5OTG	10 WJCK	OFFICE OF INSPECTOR GENERAL

INFO ☐ PER TELECON ☐ COMMENT ☐ ACTION ☐
REMARKS (SEE BELOW OR REVERSE)

Date

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	Gus Bloom		
2.			
3.			
4.			
5.			

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Monsanto called me - Although they have the other pages they requested, they have not received the original page 2-11 as requested on p. 2. please send it to: Gary Jones at the address shown on this letter. Thank you.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Jane M. Lupton	ORC
	Phone No.
	6-6830

5041-102

*U.S.GPO:1985-0-481-274/20018

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

164561

Monsanto

Monsanto Chemical Company
500 Monsanto Ave.
Sauget, Illinois 62206-1198
Phone: (618) 271-5835

RECEIVED
MAY 17 1986
U.S. ENVIRONMENTAL PROTECTION AGENCY

May 9, 1986

United States Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Attn: Mr. Robert B. Schaefer
Office of Regional Counsel

RE: RCRA Part B Application (W. G. Krummrich Plant,
Sauget, Illinois) EPA I.D.# 000-802-702

Dear Mr. Schaefer:

The subject RCRA Part B Application was submitted by Monsanto to the EPA in November, 1985. A number of pages in that application were stamped to identify the information therein as trade secret. In a letter dated March 7, 1986 the EPA requested that Monsanto justify those trade secret claims.

Subsequently Monsanto requested and was granted a sixty (60) day extension of time from March 10, 1986 to respond with such justification. Accordingly, we submit that this response is timely.

The following responsive comments to the request for justification are believed to fully comply with the procedures amplified in 40 CFR 2.204.

Monsanto has thoroughly reviewed information on those pages bearing the trade secret label. Consideration was given to a variety of business factors including, but not limited to, the current sensitivity of the information, Monsanto's current business position with regard to related products, Monsanto's competitive position in the worldwide marketplace with respect to related products, the value of such business or technical information in the marketplace, and the like. As a result of this review, we now report that trade secret status is no longer appropriate or claimed for the following identified pages in Section C: 5, 6, 7, 14, 15, 16, 16b, 21,

5/9/86

22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32. Enclosed are substitutes of those pages without the "trade secret" label application. Please return the originally filed pages.

Monsanto continues to assert trade secret status for the remainder of the pages originally labeled as trade secret and for Page D-11 for which trade secret status was inadvertently omitted in the application as originally filed. In this regard, enclosed is a duplication of Page D-11 now properly bearing the "trade secret" label. Please return the originally filed Page D-11. A detailed list of those pages requiring trade secret treatment is enclosed as Exhibit A, incorporated herein by reference. All of the information contained on sheets listed on Exhibit A is hereinafter collectively referred to as "INFORMATION".

Monsanto requests that INFORMATION (i.e. on Page A-8 and Drawings 8 and 9) relating to the Chlor-Alkali waste storage pad be given confidential treatment for a period of fifteen (15) years from the date of submission. With respect to all other INFORMATION, Monsanto requests that confidential treatment be provided for an unlimited period of time.

INFORMATION, as described above, comprises confidential and proprietary and business and technical information relating to Monsanto's operation at the W. G. Krummrich plant. Such INFORMATION is an asset of substantial commercial value, having been developed at considerable expense. Recognizing the value of such INFORMATION, Monsanto has treated it as a trade secret. Accordingly, INFORMATION has been disclosed only to those Monsanto employees who reasonably require such INFORMATION for the business purposes of Monsanto. Such employees are contractually obligated to treat such INFORMATION in accordance with restrictive confidentiality obligations of nondisclosure and nonuse. INFORMATION has also been disclosed on a need-to-know basis to others, e.g. contractors, consultants, government agencies and the like, who are under obligations to treat such INFORMATION as confidential and not disclose it to third parties and not use it except as authorized by Monsanto.

In addition to the above measures restricting disclosure of INFORMATION Monsanto, as a matter of corporate policy, has uniform security procedures to guard against unauthorized disclosure of information such as by theft, espionage, inadvertent disclosure or other loss of property rights. Such measures include restricting access to confidential and proprietary business and technical information to those having a need-to-know for Monsanto business purposes and who are contractually obligated to protect the information. Monsanto also restricts access to its plants, laboratories and other facilities. In this regard, enclosed as Exhibit B is a communication to Monsanto personnel from a recent

5/9/86

Chairman of the Board and President together with a copy of the security manual which advises Monsanto employees on the protection of such information.

We have found no record of the EPA or other federal agency or court construing the trade secret status of the above-described INFORMATION.

With respect to specific pages containing INFORMATION, the following explains how disclosure of the INFORMATION would result in substantial harmful effects on Monsanto's competitive position. INFORMATION is collected into one of the following groups for purposes of facilitating these remarks.

(a) Chlor-Alkali Waste Storage: INFORMATION disclosed in the picture of the Chlor-Alkali waste storage pad on Page A-8 and in the construction drawings of the pad, i.e. Drawings 8 and 9, is proprietary in that it has been developed by Monsanto at considerable expense and represents trade secret technology that would allow a competitor to provide a state-of-the-art waste storage pad while avoiding considerable design and engineering expense. The public availability of such design INFORMATION would provide a competitor in the chemical industry with a profitable business opportunity at Monsanto's expense.

(b) Waste Storage Warehouse: INFORMATION disclosed in the picture of the waste storage warehouse on Page A-8 and in the construction drawings, i.e. Drawings 7 and 13, is proprietary in that it has been developed by Monsanto at considerable expense and represents trade secret technology that would allow a competitor to provide a state-of-the-art waste storage warehouse while avoiding the considerable design and engineering expense. The public availability of such design INFORMATION would provide a competitor in the chemical industry with a profitable business advantage at Monsanto's expense.

(c) Ketone Residue Storage Tanks: The INFORMATION disclosed in Pages A-9, 10 and 11, D-9, 10 and 11, XLIV through LI, and Drawings 5, 6, 10, 11 and 12 is proprietary in that it has been developed by Monsanto at considerable expense and represents trade secret technology that would allow a competitor to provide state-of-the-art solvent residue storage facilities while avoiding the considerable design and engineering expense. The public availability of such design INFORMATION would provide a competitor in the chemical industry with a profitable business advantage to the detriment of Monsanto. Such an unfair advantage to any competitor on a worldwide basis would correspond to a financial disadvantage to Monsanto of well over the millions of dollars which has been spent over several years to obtain

5/9/86

this technological position. A chemical process engineer of modest skill and experience in the design, construction and operation of chemical manufacturing operations could utilize INFORMATION disclosed in the pictures, operating parameters and design details to reverse engineer such a solvent storage system. In this regard, the pictures of several tanks illustrate instrumentation and piping design which is a direct result of years of process optimization and engineering developed by Monsanto in the course of providing a socially responsible solvent residue storage facility. Monsanto submits that it would be unfairly damaged if a competitor in the worldwide chemical business would be allowed to profit from knowledge of such technology with minimal financial expenditure.

(d) Plant Site Drawings: INFORMATION disclosed in Drawings 2, 3, 14 and 15 would, if made publicly available, provide competitors in the worldwide chemical industry with information relating to the size and relative location of any of the various manufacturing operations at the W. G. Krummrich plant. This INFORMATION together with information currently available to the general public, could lead to an understanding of the operating interrelationships (including economic interrelationships) of those operations. Moreover such INFORMATION can provide insight into the overall plant operations strategy as well as the relative capacity of each operation. It is believed that those in the chemical industry skilled in engineering design, construction and operation of chemical facilities could ascertain confidential strategic information relating to Monsanto operations, for instance Monsanto's capability for raw material and product inventories, capacity of operating units and the like. Such derivable commercial information could certainly be of economic benefit to Monsanto's competitors in the chemical industry.

(e) Waste Analyses: INFORMATION disclosed in Page C-8 through 13 and 17 through 20, is proprietary and confidential since it relates to manufacturing operations at the W. G. Krummrich plant. It is submitted that a research chemist of modest experience and skill in chemical process design and operations could use such INFORMATION to reverse engineer the processes utilized by Monsanto. Process information that could be determined includes a definition of raw materials, specific process groups, process conditions, product splits, yields, catalysts used, process additives, and the material of construction of process equipment. Such INFORMATION is almost universally recognized as trade secret which can provide a competitor in the worldwide chemical business with a means of providing an economic analysis of Monsanto's operations. Such analysis would provide competitor with the ability to determine with some assurance of accuracy, its competitive position

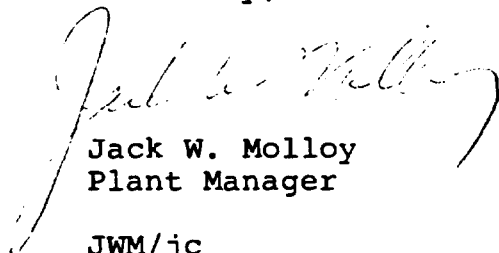
US EPA Letter
Mr. Robert B. Schaefer

5/9/86

vis-a-vis Monsanto and allow such competitor to make technology assessments, capital expenditure decisions, and pricing decisions, and the like that could result in an adverse competitive position to Monsanto. Such information is particularly sensitive of the chemical industry where foreign and domestic competitors would have an unfair advantage in the worldwide trade of chemicals which directly impacts the natural balance of trade and export deficits.

In view of the above comments, we submit that there is ample justification for maintenance of the trade secret status of the INFORMATION identified in Exhibit A. Accordingly, confidential treatment of that INFORMATION is respectfully requested.

Sincerely,



Jack W. Molloy
Plant Manager

JWM/jc
Attachments